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REMARKS

Currently pending in this application are claims 37-62, AND 64-89. Claims 1-36 were cancelled in a prior amendment and claims 63 and 90 have been canceled in this amendment.

Claim 44 has been amended to refer to a solvent instead of a diluent and to depend from claim 37.

Claim 46 has been amended to delete reference to castor oil.

Claim 50 has been amended to refer to a solvent instead of a diluent and to depend from claim 46.

Claim 61 has been amended to refer to a solvent instead of a diluent and to depend from claim 55.

Claim 64 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 71 has been amended to refer to a solvent instead of a diluent and to depend from claim 64.

Claim 74 has been amended to change addition to additive, correcting an obvious typographical error and to delete reference to castor oil.

Claim 78 has been amended to refer to a solvent instead of a diluent and to depend from claim 74.

Claim 82 has been amended to change addition to additive, correcting an obvious typographical error.

Claim 88 has been amended to refer to a solvent instead of a diluent.

The examiner has provisionally rejected the pending claims under the judicially created doctrine of obvious-type double patenting over the pending claims in application 10/084,602. The prior terminal disclaimer incorrectly referenced application 10/008602. Accompanying this amendment is a terminal disclaimer limiting the term of any patent that may issue from this application to the term of the first to expire of any patent that may issue from 10/084,602. The filing of the terminal disclaimer renders the rejection moot.

The examiner has rejected claims 44, 50, 61, 71, 78, and 88 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Specifically the examiner noted that the specification did not support defining certain compounds recited in the claims as “diluent” when the specification defined them as solvents. The claims have been amended to define the compounds as solvents and to change their dependency to the preceding independent claim.

The examiner next rejected claims 40, 57, 58, 63, 64, 67, 74, 82, 84, 85 and 90 under 35 U.S.C. §112 as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The examiner rejected claims 40, 57, 67 and 84 on the grounds that the examiner did not see the distinction between the plant oil extracts derived from grain and the vegetable and nut plant oils. The examiner stated the opinion that vegetables and nuts are also grains. Applicants respectfully traverse this rejection. As defined by Webster’s, a grain is a seed of fruit from a cereal or grass. Merriam-Webster’s Collegiate Dictionary, p. 543 (11th Ed), 2003) (attached). A vegetable on the other hand is a herbaceous plant and a nut is a hard shell dry fruit or seed. Id at 853, 1368. While all of these are plants, they are different varieties and the differences in the oil extracts and oils would be apparent to one skilled in the art. In addition, plant oil extracts are generally obtained from chlorophyll containing parts of the plant (see, e.g. paragraphs 59 and 60), whereas vegetable oils are generally extracted from the seed, nut or fruit (see, e.g., paragraphs 75 and 76). Thus, applicant respectfully submits that the two groups of materials are distinct the claims are not indefinite.

The examiner rejected claims 58 and 63 as substantial duplicates. Claim 63 has been cancelled rendering the rejection moot.

The examiner rejected claims 64, 74 and 82 noting that the term "addition" should read "additive." The claims have been amended to change the term "addition" to "additive".

The examiner rejected claims 85 and 90 as substantial duplicates. Claim 90 has been cancelled rendering the rejection moot.

The examiner has rejected claims 46, 49-52, 74 and 77-81 under 35 U.S.C. §102(b) as anticipated by U.S. Patent 5,862,369 to Jordan. The examiner noted that Jordan teaches a fuel composition that contains beta-carotene (carotenoid), chlorophyll (hydrophobic plant extract) and ethoxylated castor oil (thermal stabilizer) as well as cetane improvers. The composition may be diluted with various solvents including gasoline, toluene, diesel fuel and alcohols. Applicants respectfully submit that the claims as amended are not anticipated by Jordan.

As noted above, the Markush group in claims 46 and 74 that define the thermal stabilizer does not include castor oil. None of the other oils recited in the claims are taught or recited in Jordan. Thus Jordan can not anticipate the claims. Claims 49-52 depend from claim 46 and claims 77-81 depend from claim 74. Since Jordan does not anticipate the independent claims it can not anticipate the dependent claims.

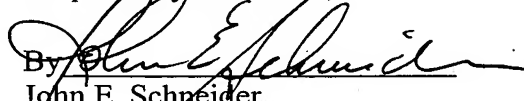
CONCLUSIONS

Applicant submits that the pending claims are free of the art and are in condition for allowance.

Applicant believes that no fee due with this response. However, if fees are due, please charge our Deposit Account No. 06-2375, under Order No. P02953US0 (AKA ORYXE.025A) from which the undersigned is authorized to draw.

Dated: June 28, 2004

Respectfully submitted,

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Application No.: 10/084,579

**Docket No.: P02917US9
(AKA ORYXENG.026A)**

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Merriam- Webster's Collegiate® Dictionary

ELEVENTH
EDITION



Merriam-Webster, Incorporated
Springfield, Massachusetts, U.S.A.

ve-da-lla \vi-'dāl-yə/ *n* [NL, genus name] (1889): an Australian ladybug (*Rodolia cardinalis*) introduced to many countries to control scale insects — called also *vedalla beetle*

Ve-dan-ta \və-'dān-tə, -və-, -'dān-/ *n* [Skt *Vedānta*, lit., end of the Veda, fr. *Veda* + *-anta* end; akin to OE *ende* end] (1788): an orthodox system of Hindu philosophy developing esp. in a qualified monism the speculations of the Upanishads on ultimate reality and the liberation of the soul — **Ve-dan-tism** \və-'dān-tī-zəm, -'dān-/ *n* — **Ve-dan-tist** \və-'dān-tist-/ *n*

Ve-dan-tic \və-'dān-tik, -'dān-/ *adj* (1882): 1: of or relating to the Vedānta philosophy 2: VEDIC

Ved-da or **Ved-dah** \ve-'dā/ *n* [Sinhalese *vedda* hunter] (1681): a member of an aboriginal people of Sri Lanka

Ved-dold \ve-'dold/ *n* (1928): a member of a race of southern Asia traditionally classified by such physical features as wavy to curly hair, chocolate-brown skin color, and slender body build — **Veddold** *adj* **ve-dette** or **vi-dette** \vi-'det-/ *n* [F, fr. *il vedetta*, alter. of *velette*, prob. fr. *Sp vela* watch, fr. *velar* to keep watch, fr. *L vigilare* to wake, watch, fr. *vigil* awake — more at **VIGIL**] (ca. 1611): a mounted sentinel stationed in advance of pickets

Ve-dic \ve-'dik/ *adj* (1848): of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.

vee \ve-/ *n* (ca. 1883): 1: something shaped like the letter V 2: the letter v

vee-jay \ve-'jā/ *n* [video jockey] (ca. 1981): an announcer of a program (as on television) that features music videos

veena *var* of **VINA**

veep \vep/ *n* [fr. *v. p.* (abbr. for *vice president*)] (1949): VICE PRESIDENT

veer \vīr/ *v* [ME *veren*, of LG or D origin; akin to MD *veren* to slacken, MLG *veren*] (15c): to let out (as a rope)

veer *vb* [ME *veren*, fr. MF *viver*, fr. OF, to throw with a twisting motion, fr. VL *vibrare*, alter. of *L vibrare* to wave, propel suddenly — more at **VIBRATE**] *v* (15c): 1: to change direction or course (the economy ~ed sharply downward) 2: of the wind: to shift in a clockwise direction — compare **BACK** 3: to wear ship ~ *v*: to direct to a different course; *specif*: **WEAR** 7 *syn* see **SWERVE** — **veer-ly** \vī-'lē/ *adv*

veer *n* (ca. 1611): a change in course or direction (a ~ to the right)

vee-ry \vī-'rē/ *n*, *pl* *veeries* [prob. imit.] (1838): an American thrush (*Catharus fuscescens*) common in the eastern U.S.

veg \vej/ *n*, *pl* *vegs* (1918) *chiefly Brit*: VEGETABLE

Ve-ga \ve-'gə, -'gā-/ *n* [NL, fr. Ar. (*al-Nasr*) *al-Waḡī*, lit., the falling (yuletide)] (ca. 1638): the brightest star in the constellation Lyra

veg-an \ve-'gən/ *also* \vā-'also/ *ve-jən* or \-jən/ *n* [by contr. fr. *vegetarian*] (1944): a strict vegetarian who consumes no animal food or dairy products; *also*: one who abstains from using animal products (as leather) — **vegan** *adj* — **veg-an-ism** \ve-'gən-'iz-m/, \vā-'gə-'ve-jə-/ *n*

veg-e-ta-ble \vej-'tə-bəl, -'tə-/ *adj* [ME, fr. ML *vegetabilis* vegetative, fr. *vegetare* to grow, fr. *L*, to animate, fr. *vegetus* lively, fr. *vegere* to enliven — more at **WAKE**] (15c): 1: of, relating to, constituting, or growing like plants 2: consisting of plants: VEGETATIONAL 2: made from, obtained from, or containing plants or plant products (~ soup) (~ fat) 3: resembling or suggesting a plant (as in inertness or passivity)

Vegetable *n* (15c): 1: PLANT 1b 2: a usu. herbaceous plant (as the cabbage, bean, or potato) grown for an edible part that is usu. eaten as part of a meal; *also*: such an edible part 3: a person whose mental and physical functioning is severely impaired and esp. one who requires supportive measures (as mechanical ventilation) to survive

vegetable ivory *n* (1842): the hard white opaque endosperm of the ivory nut that takes a high polish and is used as a substitute for ivory

2: IVORY NUT

Vegetable marrow *n* (ca. 1816) *chiefly Brit*: any of various smooth-skinned elongated summer squashes with creamy-white, to deep green skins

vegetable oil *n* (1765): an oil of plant origin; esp.: a fatty oil from seeds or fruits

vegetable oyster *n* (ca. 1818): SALSIFY

vegetable pear *n* (1887): CHAYOTE

vegetable wax *n* (1815): a wax of plant origin secreted commonly in thin flakes by the walls of epidermal cells

veg-e-ta-bly \vej-'tə-blē, -'tə-/ *adv* or *adj* (1651): in the manner of or like a vegetable

veg-e-tal \ve-'jə-'təl/ *adj* [ML *vegetare* to grow] (15c): 1: VEGETABLE 2: VEGETATIVE 3: of or relating to the vegetal pole of an egg or to that part of an egg from which the endoderm normally develops (~ blastomeres)

vegetal pole *n* (1896): the point on the surface of an egg that is diametrically opposite to the animal pole and usu. marks the center of the protoplasm containing more yolk — see **BLASTULA** illustration

veg-e-tar-i-an \ve-'jə-'ter-ē-an/ *n* [vegetable + *-arian*] (1839): 1: one who believes in or practices vegetarianism 2: HERBIVORE

vegetarian *adj* (1849): 1: of or relating to vegetarians 2: consisting wholly of vegetables, fruits, grains, nuts, and sometimes eggs or dairy products (a ~ diet)

veg-e-tar-i-an-ism \ve-'jə-'tər-ē-'iz-m/ *n* (ca. 1851): the theory or practice of living on a vegetarian diet

veg-e-tate \ve-'jə-'tāt/ *vb* \-tāt-ed/, -tāt-ing/ [ML *vegetatus*, pp. of *vegetare* to grow] *v* (1605): 1: to grow in the manner of a plant; *also*: to grow exuberantly or with proliferation of fleshy or warty outgrowths 2: to produce vegetation 3: to lead a passive existence without exertion of body or mind ~ *v*: to establish vegetation in or on

veg-e-ta-tion \ve-'jə-'tā-shən/ *n* (1564): 1: the act or process of vegetating 2: inert existence 3: plant life or total plant cover (as of an area) 4: an abnormal growth upon a body part (fibrin ~s on the mitral valve) — **veg-e-ta-tion-al** \və-'jə-'tā-'shən-/ *adj*

veg-e-ta-tive \ve-'jə-'tā-tiv/ *adj* (14c): 1: (1) growing or having the power of growing (2): of, relating to, or engaged in nutritive and growth functions, as contrasted with reproductive functions (a ~ nucleus) 2: promoting plant growth (~ properties of soil) 3: of, relating to, or involving propagation by nonsexual processes or methods 2: relating to, composed of, or suggesting vegetation. 3: of or

relating to the division of nature comprising the plant kingdom 4: AUTONOMIC 1 b: characterized by, resulting from, or being a state of severe mental impairment in which only involuntary bodily functions are sustained 5: VEGETABLE 3 — **veg-e-ta-tive-ly** *adv* — **veg-e-ta-tive-ness** *n*

ve-gete \və-'jēt/ *adj* [L *vegetus* — more at **VEGETABLE**] (1639) *archaic*: LIVELY, HEALTHY

veg-gle *also* **veg-igle** \ve-'jē/ *n* [by shortening & alter.] (1955): 1: VEG-ETABLE 2 *slang*: VEGETARIAN

veggie burger *n* (1972): a patty chiefly of vegetable-derived protein used as a meat substitute; *also*: a sandwich containing such a patty

veg out \vej-/ *v* **vegged out**; **veg-ging out** [short for *vegetate*] (1980): to spend time idly or passively

ve-he-mence \ve-'mənt(t)s/ *n* (15c): the quality or state of being vehement: INTENSITY

ve-he-ment \ve-'ə-mənt/ *adj* [ME, fr. MF, fr. L *vehement*, *vehemens*, *vehement*, *vehemens*] (15c): marked by forceful energy: POWERFUL (a ~ wind); as a: intensely emotional: IMPASSIONED, FERVID (~ patriotism) b (1): deeply felt (a ~ suspicion) (2): forcibly expressed (~ denunciations) c: bitterly antagonistic (a ~ debate) — **ve-he-ment-ly** *adv*

ve-hi-cle \ve-'hī-kəl/ *also* \ve-'hī-kəl/ *n* [F *véhicule*, fr. L *vehiculum* carriage, conveyance, fr. *vehere* to carry — more at **WAY**] (1612): 1: an inert medium (as a syrup) in which a medicinally active agent is administered 2: any of various media acting usu. as solvents, carriers, or binders for active ingredients or pigments 3: an agent of transmission: CARRIER 4: a medium through which something is expressed, achieved, or displayed (an investment ~); esp.: a work created esp. to display the talents of a particular performer 5: a means of carrying or transporting something (planes, trains, and other ~s); as a: MOTOR VEHICLE b: a piece of mechanized equipment

ve-hi-cu-lar \ve-'hī-kyə-lər/ *adj* (1616): 1: of, relating to, or designed for vehicles and esp. motor vehicles 2: transported by vehicle c: caused by or resulting from the operation of a vehicle (~ homicide) 2: serving as a vehicle

V-8 \və-'āt/ *n* (1930): an internal combustion engine having two banks of four cylinders each with the banks at an angle to each other; *also*: an automobile having such an engine

vell \vəl/ *n* [ME, fr. AF *well*, *vellie*, fr. L *vela*, pl. of *velum* sail, awning, curtain] (13c): 1: a length of cloth worn by women as a covering for the head and shoulders and often esp. in Eastern countries for the face; *specif*: the outer covering of a nun's headdress 2: a length of veiling or netting worn over the head or face or attached for protection or ornament to a hat or headdress (a bridal ~) 3: any of various liturgical cloths; esp.: a cloth used to cover the chalice 2: the life of a nun — often used in the phrase *take the veil* 3: a concealing curtain or cover of cloth 4: something that resembles a veil (a ~ of stars); 5: something that hides or obscures like a veil (lift the ~ of secrecy) 5: a covering body part or membrane: as a: VELUM b: CAUL

veil w (14c): to cover, provide, obscure, or conceal with or as if with a veil ~ *v*: to put on or wear a veil

veiled \væld/ *adj* (14c): 1: having or wearing a veil or a concealing cover (a ~ hat) 2: characterized by a softening tonal distortion 2: obscured as if by a veil: DISGUISED (~ threats)

veil-ing \və-'lɪŋ/ *n* (13c): 1: any of various light sheer fabrics 2: VEIL

vein \vān/ *n* [ME *veine*, fr. AF, fr. L *vena*] (14c): 1: a narrow water channel in rock or earth or in ice 2: (1) LOBE 3 (2): a bed of useful mineral matter c: LOBE 3 2: BLOOD VESSEL; esp.: any of the tubular branching vessels that carry blood from the capillaries toward the heart 3: a: any of the vascular bundles forming the framework of a leaf b: any of the thickened cuticular ribs that serve to stiffen the wings of an insect 4: something suggesting veins (as in reticulation); *specif*: a wavy variegation (as in marble) 5: a distinctive mode of expression: STYLE (stories in a romantic ~) 6: a distinctive element or quality: STRAID (introduced a welcome ~ of humor) 7: a line of thought or action (renewed discussion along the same ~) 8: a special attitude (inherited an artistic ~) 9: a usu. transitory and casually attained mood c: top form (thou troublest me; I am not in the ~) — **Shak** — **vein-al** \vā-'nəl/ *adj*

vein w (1502): to pattern with or as if with veins

veined \vānd/ *adj* (ca. 1529): patterned with or as if with veins: having venation: STREAKED (a ~ leaf) (~ marble) (~ cheese)

vein-er \vā-'nər/ *n* (1895): a small V gouge used in wood carving

vein-ing \vā-'nɪŋ/ *n* (1826): a pattern of veins: VENATION

vein-let \vān-'lət/ *n* (1831): a small vein

veiny \vā-'nē/ *adj* (1611): full of veins: noticeably veined (~ hands)

vel *abbr* velocity

ve-la-men \və-'lā-mən/ *n*, *pl* *ve-lam-i-na* \və-'lā-mə-nə/ [NL, fr. L, covering, fr. *velare* to cover, fr. *velum* curtain] (1882): the thick corky epidermis of aerial roots of an epiphytic orchid that absorbs water from the atmosphere

ve-lar \və-'lər/ *adj* [NL *velaris*, fr. *velum*] (1876): 1: formed with the back of the tongue touching or near the soft palate (the ~ k) of /k/ /cool/ 2: of, forming, or relating to a velum and esp. the soft palate — **velar** *n*

ve-lar-i-um \və-'lār-ē-əm/ *n*, *pl* \-ē-ə/ [L, fr. *velum* curtain] (1834): an awning over an ancient Roman theater or amphitheater

ve-lar-i-za-tion \və-'lār-'zā-shən/ *n* (1915): 1: the quality or state of being velarized 2: an act or instance of velarizing

ve-lar-ize \və-'lār-'rīz/ *v* \-lēz/, -lēz-ing/ (1915): to modify (as the /l/ of /pull/ pool) by a simultaneous velar articulation

Vel-cro \vel-'(j)krō/ *trademark* — used for a closure consisting of a piece of fabric of small hooks that sticks to a corresponding fabric of small loops

veld or **veldt** \velt, 'felt/ *n* [Afrik *veld*, fr. D, field; akin to OE *feld* field] (1835): a grassland esp. of southern Africa usu. with scattered shrubs or trees

ve-il-ger \ve-'lā-jər, -'və-/ *n* [NL, fr. *velum* + *-ger* bearing, fr. *gerere* to bear] (1877): a larval mollusk in the stage when it has developed the velum

vel-le-i-ty \ve-'lē-ē-tē, -'və-/ *n*, *pl* \-lēes/ [NL *velletas*, fr. L *velle* to wish, will — more at **WILL**] (1618): 1: the lowest degree of volition 2: a slight wish or tendency: INCLINATION